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TAGS: PGOV PREL PTER PINS KCRS I2

SUBJECT: PRT SALAH AD DIN: PROVINCIAL OFFICIALS BRACE FOR
IMPACT OF NEW DE-BAATH LAW

REF: BAGHDAD 401

Classified By: PRT Salah ad Din Team Leader Rick Bell
for reasons 1.4 (b) and (d).

¶1. (U) This is a PRT Tikrit, Salah ad Din cable reporting
cable.

Summary

¶2. (C) With the clock ticking on the implementation of the Accountability and Justice Law, Provincial leaders have begun to look ahead at how they can make their case to Baghdad on how and why the law should be modified. Provincial officials concede that the law is a good first step, but fear that strict interpretation will adversely affect the effectiveness of the Provincial government. End Summary.

¶3. (C) As befitting the Sunni heartland of Iraq and home to large numbers of former regime employees, Provincial leaders have begun to look ahead at how they can make their case to Baghdad on modifying elements of the Accountability and Justice (De-Baath) Law in a way that would benefit the Province. Provincial officials acknowledge that the new law contains good news: providing pensions to the estimated 500 Shu,ba level members and unknown number of firqa level members in the Province, as well as reinstating the estimated 578 Firqa level members who are eligible to return to work. However, Provincial officials note that the provision in the law that removes Firqa level members who held Director General and above positions in the previous regime from their jobs will have a devastating effect on the Province. The Governor, Deputy Governor, Provincial Director of Police, Assistant Governor for Technical Affairs, and likely scores of police officials are all among those who will be required to leave their jobs. Provincial officials argue that those employees who have worked hard to rebuild the Province should not be fired simply because of their previous membership in the Baath party. Doing so, according to these officials, is contrary to the spirit of national reconciliation.

¶4. (C) Provincial officials recognize that their suggestions to modify the law or its implementation are a long shot. However, an Accountability and Justice Subcommittee of the Provincial Committee for the Promotion of National Reconciliation (reftel) has been formed to discuss De-Baath issues. Discussion of these issues has dominated the full Committee's agenda, and work on developing concrete proposals they can bring to Baghdad has taken center stage.

Proposed Course of Action

¶5. (C) In its deliberations, the Subcommittee has developed a number of possible modifications to the law. First, it will propose that individuals who wish to make accusations of

crimes against specific people regarding their Hussein-era activities should have a 60 day period to do so, after which no claims would be entertained. Timely claims could be judged (they have not yet considered a mechanism for doing so) and if the accused is found to be innocent, that individual should be allowed to keep his/her job. This would address the reality that the Accountability and Justice Law more about guilt by association, rather than the activities of each individual.

¶6. (C) Provincial officials are realistic about their ability to influence modifications in the law and are preparing for the very real possibility that the law will be implemented in a political fashion. Recognizing that they have only 60 days after the law's enactment to apply for a reinstatement or pension before a panel will decide on their case, Provincial leaders are developing a list of those eligible so that they are ready for those hearings. Additionally, the Province will develop a list of key employees that are vital to the administration and security of the Province and will request exemptions for them. Given the law's requirement that the Council of Representatives (CoR) must approve those exemptions, Provincial officials are not confident that exemptions will be granted. Even if exemptions are granted, the governance of Salah ad Din province could be greatly disrupted due to so many key officials being on leave pending resolution of their cases.

Comment

¶7. (C) Provincial officials, many of whom stand to lose their jobs, are extremely worried about the law's implementation. If carried out as written, the Province stands to lose a great deal of its key administrative, technical, and security apparatus. Provincial officials are committed to having their voices heard in Baghdad and have moved swiftly to develop an approach to mitigate the effects of the law, but are realistic about the likely outcome. Having their concerns addressed in a positive fashion by Baghdad would be the most important and tangible sign of Baghdad's commitment to reconciliation that this Province has seen. End Comment.

CROCKER